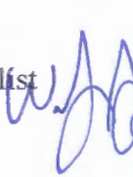




UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Silver Spring, MD 20910

MEMORANDUM FOR: File

FROM: Jamie Schubert, Marine Habitat Resource Specialist
NOAA Restoration Center 

DATE: October 17, 2014

SUBJECT: DWH Early Restoration projects, Phase III, no further EFH
consultation needed from NMFS

The Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), established procedures designed to identify, conserve, and enhance Essential Fish Habitat (EFH) for those species regulated under a Federal fisheries management plan (FMP). A Federal agency must prepare an EFH Assessment for any Federal action that may adversely affect EFH (50 CFR 600.920(e)(1)). A Federal agency must first determine whether their action may adversely impact EFH. If a Federal agency determines that a Federal action may adversely impact EFH, then the Federal agency must prepare an EFH assessment. If a Federal agency determines that a Federal action will not adversely affect EFH, then the Federal agency is not required to prepare an EFH Assessment.

Based on our reviews of project materials (Spring 2013) in coordination with representatives from NOAA's Habitat Conservation Division (HCD) in the South East Regional Office (SERO), the NOAA Restoration Center determined that 19 of the 66 projects proposed for implementation in Phase III of the DWH Early Restoration Plan will not affect EFH because there is no EFH in the project area. The following projects will not require further Essential Fish Habitat evaluation:

- Perdido Key State Park Beach Boardwalk Improvements - FL
- Perdido Key Dune Restoration - FL
- Shell Point Beach Renourishment - FL
- Bob Sikes Pier, Parking and Trail Restoration – FL
- Navarre Beach Park Gulfside Walkover Complex - FL
- Developing Enhanced Recreational Opportunities on the Escribano Point Portion of the Yellow River Wildlife Management Area - FL
- Deer Lake State Park Development - FL





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- Walton County Boardwalks and Dune Crossovers - Ed Walline Beach Access Improvements - FL
- Walton County Boardwalks and Dune Crossovers - Gulfview Heights Beach Access Improvements - FL
- Walton County Boardwalks and Dune Crossovers - Palms of Dune Allen West Beach Access Improvements - FL
- Gulf County Recreation Projects: Improvements at Beacon Hill Veterans' Memorial Park - FL
- Enhancement of Franklin County Parks and Boat Ramps - Eastpoint Fishing Pier Improvements - FL
- Apalachicola River Wildlife and Environmental Area Fishing and Wildlife Viewing Access Improvements - Sand Beach – FL
- Gulf County Recreation Projects - Highland View Boat Ramp - FL
- Pascagoula Beachfront Promenade – MS
- Restoration Initiatives at the INFINITY Science Center - MS
- Gulf State Park Enhancements – AL
- Sea Rim State Park Improvements – TX
- Galveston Island State Park Beach Re-development – TX

The EFH guidelines at 50 CFR 600.920 enable Federal action agencies to use existing consultations to satisfy the Magnuson-Stevens Act consultation requirements.

Based on our reviews of project materials (Spring 2013) in coordination with representatives from NOAA's HCD in SERO, the NOAA Restoration Center determined that 5 of the 66 projects proposed for implementation in Phase III of the DWH Early Restoration Plan fall within NMFS EFH jurisdiction but have current consultations with HCD SERO. These proposed projects have not changed in scope since the prior determination was made (dates of prior determinations indicated below), therefore the projects will not need further Essential Fish Habitat consultations as a federal agency has already completed the consultation and the prior consultation adequately addresses the adverse effects of the actions on EFH (50 CFR 600.920 (b)). The projects are:

- Chenier Ronquille (October 05, 2012, Chenier Ronquille Barrier Island Restoration project determination) - LA





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- Shell Island (May 24, 2012, NMFS Consultation for EFH for Shell Island East Restoration Berm Enhancement and Shell Island West NRDA Restoration Projects) - LA
- Caillou Lake Headlands (July 22, 2010, NMFS EFH Comments on the Pre-Decisional Draft Integrated Feasibility Study and Supplemental Environmental Impact Statement for the Louisiana Coastal Area (LCA) Terrebonne Basin Barrier Shoreline Restoration Project) – LA
- Ferry Boat Access to Ft. Pickens, Gulf Island National Seashore (August 23, 2011, NMFS Consultation for EFH for the Fort Pickens Passenger Ferry Pier) – FL
- Bald Point State Park Recreation Areas (22 January 2014, exemption from further permitting pursuant to STATE PROGRAMMATIC GENERAL PERMIT (SPGP IV-RI) STATE OF FLORIDA) – FL

